

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

JANE DOE as next friend for “FIONA,” a minor,
“ERIN,” “VICKY,”
JANE ROE as next friend for
“SKYLAR” and “SAVANNAH,” minors,
JOHN DOE as next friend for “SALLY”
and “SIERRA,” minors, and “SARAH”

Civ. No. 1:16-cv-303

JOINT STATUS UPDATE

Plaintiffs,

v.

KIRK NESSET,

Defendant.

The parties, by counsel, hereby file this Joint Status Update. In support thereof, the parties state as follows:

1. On April 27, 2018, the parties attended mediation and reached an oral settlement agreement.
2. On May 29, 2018, the Court directed the parties to enter a joint stipulation of dismissal or inform the Court as to why they cannot do so.
3. On June 1, 2018, the parties filed a Joint Status Update requesting 30 days to complete and execute the settlement agreement.
4. In the criminal case against the Defendant (Case No. 1-14-cr-00033-DSC), he was ordered to pay restitution to Plaintiffs Vicky and Sarah.
5. In order to complete the settlement agreement with regards to Plaintiffs Vicky and Sarah, it has been necessary for the parties to determine whether the Defendant’s retirement accounts have been garnished and restitution satisfied.

6. The Defendant's counsel has been in communication with the criminal court clerk regarding garnishment and the Defendant's restitution obligation.
7. The parties are substantially in agreement with the terms of plaintiffs' proposal. However, because of the interconnection of this settlement with the terms of the restitution order in the underlying criminal matter there is at present some uncertainty about the completion of the collection efforts undertaken by the Government in that matter. The parties are endeavoring to confirm the status of a garnishment action as there are offset considerations affecting the amount of the civil settlement in this matter.
8. Once the parties are able to confirm through the clerk of court what the status is of the garnishment then the settlement agreement terms can be modified as required. The parties are in agreement as to what that modification should be once it is confirmed that the garnishment money has been paid to the clerk. The parties anticipate this can all be accomplished in thirty (30) days.

WHEREFORE, for the foregoing reasons, the parties respectfully request the Court grant them an additional 30 days to finalize settlement in this matter.

Respectfully submitted,

s/Katie M. Shipp
MARSH LAW FIRM PLLC
Katie M. Shipp
Box 4668 #65135
New York, New York 10163-4668
Telephone | Fax: 212-372-3030
Email: katieshipp@marsh.law
Attorney for Plaintiffs Jane Doe, Erin, and Fiona

s/Carol L. Hepburn
CAROL L. HEPBURN, P.S.

Carol L. Hepburn, WSBA No. 8732
200 First Avenue West, Suite 550
Seattle, Washington 98119-4298
Phone: 206-957-7272
Fax: 206-957-7273
Email: carol@hepburnlaw.net
*Attorney for Plaintiffs Vicky, Jane Roe,
Skylar, Savannah, John Doe, Sally, Sierra, and Sarah*

s/Michael J. Bruzzese

MJB Law Office

Michael J. Bruzzese
2315 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Attorney for Defendant Kirk Nessel